

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
AMY TUTEUR, M.D.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 13-cv-10159-RGS
	)	
GINA CROSLEY-CORCORAN,	)	
	)	
Defendant.	)	
_____	)	

**DEFENDANT’S MOTION FOR LEAVE TO FILE RESPONSE**

Defendant Gina Crosley-Corcoran hereby moves for leave to file a Response to Plaintiff’s Memorandum of Law to Show Cause. In support of this Motion, Ms. Crosley-Corcoran states as follows:

1. On March 5, 2013, Ms. Crosley-Corcoran filed a Motion to Dismiss the present action for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2).
2. On April 10, 2013, this Court exercised its discretion to address the underlying merits of the Plaintiff’s claims, ordering the Plaintiff to Show Cause why her complaint should not be dismissed on the merits for failure to state a claim upon which relief may be granted.
3. On May 1, 2013, in accordance with this Court’s order, Plaintiff filed a memorandum of law, arguing that this Court has misinterpreted and incorrectly applied certain portions of the Digital Millennium Copyright Act (“DMCA”).
4. Ms. Crosley-Corcoran believes that the Plaintiff is incorrect in its interpretation of the DMCA and asserts that the Court’s stated intent to dismiss the claims

on the merits was proper. To date, however, Ms. Crosley-Corcoran has not had the opportunity to brief the substantive issues arising under the DMCA (or the fact that the Plaintiff's common law count is preempted by the DMCA). Accordingly, Ms. Crosley-Corcoran respectfully requests leave to file a Response to Plaintiff's brief.

5. No party will be prejudiced by the allowance of this motion. Plaintiff's counsel has indicated that they do not intend to oppose this motion.

For the reasons stated herein, Ms. Crosley-Corcoran respectfully requests that she be permitted to file a responsive brief with the Court on or before May 9, 2013.

Respectfully submitted,

GINA CROSLEY-CORCORAN

By her attorney,

/s/ Evan Fray-Witzer

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on May 2, 2013.

/s/ Evan Fray-Witzer

CERTIFICATE OF COMPLIANCE WITH  
LOCAL RULE 7.1(A)(2)

I, Evan Fray-Witzer, hereby certify that on May 2, 2013, I corresponded with counsel for the Plaintiff, who indicated that he will not oppose the present motion.

/s/ Evan Fray-Witzer

Evan Fray-Witzer